

SENATE MOTION

MR. PRESIDENT:

I move that Senate Bill 240 be amended to read as follows:

1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 4-33-2-5.6 IS ADDED TO THE INDIANA CODE
4 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
5 1, 2002]: **Sec. 5.6. "Cruise" means to depart from the dock while**
6 **gambling is conducted.**
7 SECTION 2. IC 4-33-2-7 IS AMENDED TO READ AS FOLLOWS
8 [EFFECTIVE JULY 1, 2002]: Sec. 7. "Dock" means the location where
9 ~~an excursion~~ a riverboat moors for the purpose of embarking
10 passengers for and disembarking passengers from ~~a gambling~~
11 ~~excursion~~ **the riverboat.**
12 SECTION 3. IC 4-33-2-15.5 IS ADDED TO THE INDIANA CODE
13 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
14 1, 2002]: **Sec. 15.5. "Patron" means an individual who:**
15 **(1) boards a riverboat; and**
16 **(2) is not entitled to receive a tax free pass.**
17 SECTION 4. IC 4-33-2-16.5 IS ADDED TO THE INDIANA CODE
18 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
19 1, 2002]: **Sec. 16.5. "Reporting period" means a twenty-four (24)**
20 **hour increment used by the department under this article,**
21 **commencing at 6 a.m. on one (1) day and concluding at 5:59 a.m.**
22 **the following day.**
23 SECTION 5. IC 4-33-4-10 IS AMENDED TO READ AS
24 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 10. **If a riverboat**
25 **crui**ses, the commission shall authorize the route of ~~a the~~ riverboat and
26 the stops, if any, that the riverboat may make **while on a cruise.**
27 SECTION 6. IC 4-33-4-21.2, AS AMENDED BY P.L.215-2001,
28 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 JULY 1, 2002]: Sec. 21.2. (a) The Indiana gaming commission shall
30 require a licensed owner to conspicuously display the number of the
31 toll free telephone line described in IC 4-33-12-6 in the following

1 locations:

2 (1) On each admission ticket to a riverboat ~~gambling excursion.~~
3 **if tickets are issued.**

4 (2) On a poster or placard that is on display in a public area of
5 each riverboat where gambling games are conducted.

6 (b) The toll free telephone line described in IC 4-33-12-6 must be:

7 (1) maintained by the division of mental health and addiction
8 under IC 12-23-1-6; and

9 (2) funded by the addiction services fund established by
10 IC 12-23-2-2.

11 (c) The commission may adopt rules under IC 4-22-2 necessary to
12 carry out this section."

13 Page 3, after line 12, begin a new paragraph and insert:

14 "SECTION 10. IC 4-33-6-9 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 9. (a) A licensed owner
16 must post a bond with the commission at least sixty (60) days before
17 the commencement of ~~regular gambling on the riverboat. excursions.~~

18 (b) The bond shall be furnished in:

19 (1) cash or negotiable securities;

20 (2) a surety bond:

21 (A) with a surety company approved by the commission; and

22 (B) guaranteed by a satisfactory guarantor; or

23 (3) an irrevocable letter of credit issued by a banking institution
24 of Indiana acceptable to the commission.

25 (c) If a bond is furnished in cash or negotiable securities, the
26 principal shall be placed without restriction at the disposal of the
27 commission, but income inures to the benefit of the licensee.

28 (d) The bond:

29 (1) is subject to the approval of the commission;

30 (2) must be in an amount that the commission determines will
31 adequately reflect the amount that a local community will expend
32 for infrastructure and other facilities associated with a riverboat
33 operation; and

34 (3) must be payable to the commission as obligee for use in
35 payment of the licensed owner's financial obligations to the local
36 community, the state, and other aggrieved parties, as determined
37 by the rules of the commission.

38 (e) If after a hearing (after at least five (5) days written notice) the
39 commission determines that the amount of a licensed owner's bond is
40 insufficient, the licensed owner shall upon written demand of the
41 commission file a new bond.

42 (f) The commission may require a licensed owner to file a new bond
43 with a satisfactory surety in the same form and amount if:

44 (1) liability on the old bond is discharged or reduced by judgment
45 rendered, payment made, or otherwise; or

46 (2) in the opinion of the commission any surety on the old bond
47 becomes unsatisfactory.

(g) If a new bond obtained under subsection (e) or (f) is unsatisfactory, the commission shall cancel the owner's license. If the new bond is satisfactorily furnished, the commission shall release in writing the surety on the old bond from any liability accruing after the effective date of the new bond.

(h) A bond is released on the condition that the licensed owner remains at the site for which the owner's license is granted for the lesser of:

(1) five (5) years; or

(2) the date the commission grants a license to another licensed owner to operate from the site for which the bond was posted.

(i) A licensed owner who does not meet the requirements of subsection (h) forfeits a bond filed under this section. The proceeds of a bond that is in default under this subsection are paid to the commission for the benefit of the local unit from which the riverboat operated.

(j) The total and aggregate liability of the surety on a bond is limited to the amount specified in the bond and the continuous nature of the bond may in no event be construed as allowing the liability of the surety under a bond to accumulate for each successive approval period during which the bond is in force.

(k) A bond filed under this section is released sixty (60) days after:

(1) the time has run under subsection (h); and

(2) a written request is submitted by the licensed owner.

SECTION 11. IC 4-33-6-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 10. (a) An owner's license issued under this chapter permits the holder to own and operate one (1) riverboat and equipment for each license.

(b) An owner's license issued under this chapter permits the holder to:

(1) conduct gambling games authorized under this article while the riverboat is cruising or docked; and

(2) allow the continuous ingress and egress of passengers for purposes of gambling.

(c) An owner's license issued under this chapter must specify the place where the riverboat must operate and dock. However, the commission may permit the riverboat to dock at a temporary dock in the applicable city for a specific period of time not to exceed one (1) year after the owner's license is issued.

~~(c)~~ (d) An owner's initial license expires five (5) years after the effective date of the license.

(e) An owner's license issued under this chapter does not permit the holder to conduct gambling games on a barge.

SECTION 12. IC 4-33-6-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 11. The commission may revoke an owner's license if:

(1) the licensee begins regular ~~riverboat excursions~~ **operations**

1 more than twelve (12) months after receiving the commission's
2 approval of the application for the license; and

3 (2) the commission determines that the revocation of the license
4 is in the best interests of Indiana.

5 SECTION 13. IC 4-33-9-3 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 3. (a) Except as
7 provided in subsection (b), a riverboat ~~excursions~~ **cruise** may not
8 exceed four (4) hours for a round trip.

9 (b) Subsection (a) does not apply to an extended cruise that is
10 expressly approved by the commission.

11 SECTION 14. IC 4-33-9-14 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 14. (a) This section
13 applies only to a riverboat that operates from a county that is
14 contiguous to the Ohio River.

15 (b) A ~~gambling excursion~~ **cruise** is permitted only when the
16 navigable waterway for which the riverboat is licensed is navigable, as
17 determined by the commission in consultation with the United States
18 Army Corps of Engineers.

19 SECTION 15. IC 4-33-10-5 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 5. An action to
21 prosecute a crime occurring during a gambling ~~excursion on a~~
22 **riverboat** shall be tried in the county of the dock where the riverboat
23 is ~~based~~ **located**.

24 SECTION 16. IC 4-33-12-1 IS AMENDED TO READ AS
25 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1. (a) A tax is imposed
26 on admissions to ~~gambling excursions~~ **a riverboat** authorized under
27 this article at a rate of three dollars (\$3) for each ~~person admitted to the~~
28 ~~gambling excursion~~ **patron who is on board at the time a passenger**
29 **count is recorded**.

30 (b) **Passenger counts must be recorded one (1) hour after the**
31 **start of each reporting period and once every two (2) hours**
32 **thereafter under procedures approved by the commission.**

33 (c) **If the riverboat's schedule as approved by the commission**
34 **does not provide for the riverboat to be open to the public at the**
35 **start of the reporting period, passenger counts must be recorded**
36 **one (1) hour after the riverboat begins admitting patrons during a**
37 **reporting period and once every two (2) hours thereafter under**
38 **procedures approved by the commission.**

39 (d) This admission tax is imposed upon the licensed owner
40 conducting the gambling ~~excursion~~ **operation**.

- 1 SECTION 17. THE FOLLOWING ARE REPEALED [EFFECTIVE
- 2 JULY 1, 2002]: IC 4-33-2-8; IC 4-33-9-2; IC 4-33-12-2.".
- 3 Renumber all SECTIONS consecutively.
(Reference is to SB 240 as printed January 25, 2002.)

Senator SERVER